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P&G Case 8642

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In The Application Of : F. Desai et al.
Serial No. : 09/909,486
Group Art Unit : 1772
Confirmation No. : 2573
Filed : July 20, 2001
Examiner : A. A. Chevalier
For: High Elongation Apertured Nonwoven Web and Method for Making

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RESPONSE TO RESTRICTION REQUIREMENT/ELECTION OF SPECIES

Mail Stop Non-Fee Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is responsive to the Office Action mailed on May 27, 2003, setting a 30 day period for response.

The Office states that restriction to one of the following inventions is required under 35 USC §121:

- I. Claims 1-10, drawn to an apertured nonwoven web, classified in class 428, subclass 137; and
- II. Claims 11-20, drawn to a method of making an apertured nonwoven web, classified in class 83, subclass various.

The Office further states that Inventions II and I are related as process of making and product made but points out that the inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process. The Office believes that in the instant case the product as claimed can be made by a materially different process such as water needling.

Applicants respectfully traverse the restriction requirement, however. While the Office has identified separate classes for search of the two groups, Applicants respectfully submit that since there is sufficient common subject matter between the two groups mentioned above, searching the various subclasses in one application presents no undue burden to the Office. Reconsideration and withdrawal of the restriction requirement is respectfully requested.

Notwithstanding traversal, in order to be fully responsive the Applicants elect Group I, Claims 1-10, for initial examination on the merits. The Applicants reserve the right to pursue each of the non-elected claims in one or more divisional applications.

JUN-17-2003 13:28

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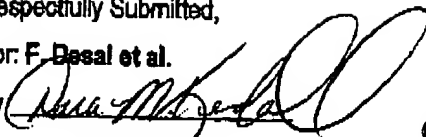
P.05/05

Appl. No. 09/909,486
Atty. Docket N. 8642
Amdt. dated June 17, 2003
Reply to Office Action of May 27, 2003
Customer No. 27752

Respectfully Submitted,

For: F. Desai et al.

By



Dara M. Kendall
Attorney for Applicants
Registration No. 43,709
Tele. No. (513) 626-1789

June 17, 2003
Customer No. 27752

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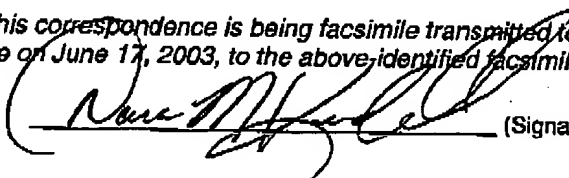
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**FACSIMILE TRANSMITTAL SHEET AND
CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

TO: Commissioner of Patents
United States Patent and Trademark Office
ATTN: EXAMINER A. A. CHEVALIER
Fax No. (703) 872-9310
Phone No. (703) 872-9309

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on June 17, 2003, to the above-identified facsimile number.


(Signature)

FROM: Dara M. Kendall
Fax No. (513) 626-3499
Phone No. (513) 626-1789

Listed below are the item(s) being submitted with this Certificate of Transmission:**

- 1) Response Transmittal (original + 1 copy)
- 2) Response to Restriction Requirement
(2 pages)

Number of Pages Including this Page: 5

Comments:

Inventor(s): Desai et al.
S.N.: 09/909,486
Confirmation No.: 2573
Filed: July 20, 2001
Case: 8642

**Note: Each paper must have its own certificate of transmission, OR this certificate must identify each submitted paper.

RESPONSE/AMENDMENT

Case Docket No. 8642

Mail Stop Non-Fee Amendment
 COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an AMENDMENT for the patent application:

Inventor(s): Desai et al. Confirmation No.: 2573
 Serial No.: 09/909,486 Group Art Unit: 1772
 Date Filed: July 20, 2001 Examiner: A. A. Chevalier
 Title:

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1. ☒ No additional fee is known to be required.
2. ☐ The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA*	RATE	FEE
TOTAL	*	MINUS	**	=	x \$18 =	\$
INDEP.	*	MINUS	***	=	x \$84 =	\$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ \$280 =	\$
					TOTAL	\$

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the highest number of total claims previously paid for is less than 20, write "20" in this space.

*** If the highest number of independent claims previously paid for is less than 3, write "3" in this space.

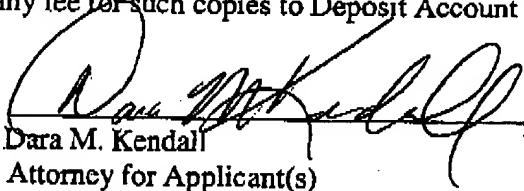
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

3. ☐ The Commissioner is hereby petitioned under 37 CFR §1.136(a) to grant any extension of time needed for timely response to the Office Action dated in the above-identified application to preserve pendency of said application. The processing fee under 37 CFR §1.17 has been determined as follows: \$ for a -month extension of time.

4. The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-2480. A duplicate copy of this sheet is attached.

- a. ☒ Any patent application processing fees under 37 CFR §1.16.
- b. ☒ Any patent application processing fees under 37 CFR §1.17.

5. The Commissioner is hereby authorized to make any additional copies of this sheet needed to accomplish the purposes provided for herein and to charge any fee for such copies to Deposit Account No. 16-2480.


 Dara M. Kendall
 Attorney for Applicant(s)
 Registration No. 43,709
 Tel. No. (513) 626-1789

Date: June 17, 2003
 Customer No. 27752

(last revised 4/7/2003)